

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BROWN & BROWN, INC., et al.,	:	
BROWN & BROWN OF	:	
PENNSYLVANIA, INC. and GRINSPEC,	:	
INC.	:	
	:	CIVIL ACTION
Plaintiffs,	:	
	:	
v.	:	
	:	
ROBERT COLA, RYAN TOLA, and	:	NO. 10-3898
DOYLE ALLIANCE GROUP,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 4th day of *October*, 2010, upon consideration of Defendant Ryan Tola's Motion to Dismiss for Lack of Personal Jurisdiction (Docket No. 18) and the Response of Plaintiffs Brown & Brown, Inc., Brown & Brown of Pennsylvania, Inc., and Grinspec, Inc. (Docket No. 27), as well as the Motion to Dismiss of Defendants Robert Cola, Ryan Tola, and Doyle Alliance Group (collectively "All Defendants") (Docket No. 19), and Plaintiffs' Response (Docket No. 26), it is hereby **ORDERED** as follows:

1. Defendant Tola's Motion to Dismiss for Lack of Personal Jurisdiction (Docket No. 18) is **DENIED**;
2. All Defendants' Motion to Dismiss (Docket No. 19) is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Defendants' Motion to Dismiss the Lanham Act claims (Counts I and II) is **DENIED**;
 - b. Defendants' Motion to Dismiss the Breach of Fiduciary Duty/Duty of Loyalty claim (Count V) is **GRANTED**;

- c. Defendants' Motion to Dismiss the Tortious Interference claims (Counts VII and VIII) is **GRANTED** only as to Defendants Tola and Cola;
 - d. Defendants' Motion to Dismiss the Conversion claim (Count XIV) is **GRANTED** only as to Defendants Tola and Cola and only to the extent the claim alleges conversion of customers and business, but **DENIED** to the extent the claim alleges conversion of documents, information, marketing materials, and promotional materials;
 - e. Defendants' Motion to Dismiss the Misappropriation of Business/Customers claim (Count IX) is **GRANTED** only as to Defendants Tola and Cola;
 - f. Defendants' Motion to Dismiss the Misappropriation of Confidential and Proprietary Information claim (Count X) and Misappropriation of Property (Count XI) is **DENIED**;
 - g. Defendants' Motion to Dismiss the Tortious Interference with Contractual Relations Claim against Defendant Doyle Alliance (Count VI) is **GRANTED**;
 - h. Defendants' Motion to Dismiss the Unfair Competition Claim (Count XII) is **GRANTED**.
- 3. The deadline for the close of all discovery with respect to Plaintiffs' Motion for Preliminary Injunction is Friday, December 3, 2010.
 - 4. A hearing on Plaintiffs' Motion for Preliminary Injunction is set for Monday, December 6, 2010 at 10:00 a.m. in Courtroom 14A, United States Courthouse, 601 Market Street, Philadelphia, PA.

It is so **ORDERED**.

BY THE COURT:

/s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.